IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ARTHROCARE CORPORATION,

Plaintiff,

٧.

SMITH & NEPHEW, INC.

Defendant.

SMITH & NEPHEW, INC.,

Counterclaim Plaintiff,

v.

ARTHROCARE CORPORATION, AND ETHICON, INC.,

Counterclaim Defendants.

C.A. No. 01-504-SLR

SMITH & NEPHEW'S NOTICE PURSUANT TO 35 U.S.C. § 282

Defendant Smith & Nephew, Inc. ("Smith & Nephew") hereby provides its written notice pursuant to 35 U.S.C. § 282 of the patents and publications that it may rely upon to anticipate, render obvious or show the state of the art with respect to United States Patent No. 5,697,536 ("the '536 patent"), 5,697,882 ("the 882 patent"), and 6,224,592 ("the '592 patent"). Smith & Nephew may also rely on the persons listed below as being prior inventors or having prior knowledge of or as having previously used or offered for sale the inventions of the patents-in-suit. Smith & Nephew also incorporates by reference the items set forth in its responses to Plaintiff's Interrogatories and in the expert reports of Dr. Kenneth Taylor, Dr. Michael Choti, Dr. Kim Manwaring and Ronald Panitch, Esq.

Furthermore, in light of the recent filings by the parties on proposed claim construction, Smith & Nephew reserves the right to further supplement this notice depending on the Court's ruling on claim construction and/or possible new claim constructions.

I. PRIMARY REFERENCES RELIED UPON

A. PATENTS

	Country	Patent No.	Date	Name of Patentee
	US	2,056,377	10/6/36	Wappler
\ <u>`</u>	US .	3,815,604	06/11/74	O'Malley et al.
<u> </u>	US	3,828,780	8/13/74	Morrison, Jr.
\	US	3,901,242	8/26/75	Storz
	US	3,920,021	11/18/75	Hiltibrandt
~	US	3,939,839	2/24/76	Curtiss
\`/+	US	3,970,088	7/20/76	Morrison
\`` /—+	FR	2,313,949	1/7/77	Hiltibrandt, et al.
(8)	rk	No. 76 17587		
(0)	US	4,074,718	2/21/78	Morrison, Jr.
(9)	US	4,092,986	6/6/78	Schneiderman
(10)	US	4,116,198	9/26/78	Roos
(11)	US	4,181,131	1/1/80	Hisao Ogiu
(12)	US	4,184,492	1/22/80	Meinke et al.
(13)	US	4,232,676	11/11/80	Herczog
(14)	US	4,248,231	2/3/81	Herczog et al.
(15)	US	4,326,529	4/27/82	Doss et al.
(16)	US	4,381,007	4/26/83	Doss
(17)	US	4,548,207	10/22/85	Reimels
(18)	US	4,590,934	5/27/86	Malis et al.
(19)	US	4,660,571	4/28/87	Hess et al.
(20)	US	4,674,499	6/23/87	Pao
(21)	US	4,785,823	11/22/88	Eggers et al.
(22)	US	4,805,616	2/21/89	Pao
(23)	US	4,823,791	4/25/89	D'Amelio et al.
(24)	US	4,832,048	5/23/89	Cohen
(25)	WO	90/03152	4/5/90	Considine et al.
(26)	US	4,920,978	5/1/90	Colvin
(27)	US	4,931,047	6/5/90	Broadwin et al.
(28)	US	4,936,281	6/26/90	Stasz
(29)	US	4,966,587	10/30/90	Cosman
(30)	US	4,976,711	12/11/90	Parins et al.
(31)	102	4,710,111		

	Country	Patent No.	Date	Name of Patentee
(32)	US	4,979,948	12/25/90	Geddes et al.
(33)	DE	3930451 A1	3/21/91	Hoffmann et al.
(34)	US	5,007,908	4/16/91	Rydell
(35)	US	5,009,656	4/23/91	Reimels
(36)	US	5,035,696	7/30/91	Rydell
(37)	US	5,047,026	9/10/91	Rydell
(38)	US	5,047,027	9/10/91	Rydell
(39)	US	5,080,660	1/14/92	Buelna
(40)	US	5,084,044	1/28/92	Quint
(41)	US	5,085,659	2/4/92	Rydell
(42)	US	5,088,997	2/18/92	Delahuerga et al.
(43)	US	5,098,431	3/24/92	Rydell
(44)	US	5,108,391	4/28/92	Flachenecker et al.
(45)	US	5,112,330	5/12/92	Nishigake et al.
(46)	US	5,122,138	6/16/92	Manwaring
(47)	US	5,167,659	12/1/92	Ohtomo et al.
(48)	US	5,171,311	12/15/92	Rydell et al.
(49)	US ·	5,197,963	3/30/93	Parins
(50)	US	5,207,675	5/4/93	Canady
(51)	US	5,217,459	6/8/93	Kamerling
(52)	US	5,306,238	4/26/94	Fleenor
(53)	US	5,432,882	6/13/95	Jackman et al.
(54)	US	5,454,809	10/3/95	Janssen
(55)	US	5,496,314	3/5/96	Eggers

B. PUBLICATIONS

	Author	Article Title	Source & Page Nos.	Date
(1)	Leonard I. Malis, M.D.	Bipolar Coagulation in Microsurgery	MicroVascular Surgery, 126-131	1967
(2)	A.K. Dobbie	The Electrical Aspects of Surgical Diathermy	Bio-Medical Engineering 206-216	5/69
(3)	Honig	The Mechanism of Cutting in Electrosurgery	IEEE Transactions On Biomedical Engineering	1/75
(4)	Elasser and Roos	Uber ein Instrument zur leckstromfreien transurethralen Resection (Concerning An Instrument for Transurethral Resection Without Leakage of Current)	Acta Medicotechnica (Medizinal-Markt), Vol. 24, No. 4, 129-134	1976

- 1	Author	Article Title	Source & Page Nos.	Date
	Mutho:	Electrosurgical	Gastroenterology, Vol.	1978
		Treatment of	74, No. 3, 527-534	
1		Experimental Bleeding		
- 1		Canine Gastric Ulcers:		
1		Development and testing		
1		of a computer control		
1		and a better electrode		
	Dennis et al.	Evolutions of	Digestive Diseases and	11/79
(6)	Dennis et ai.	Electrofulguration in	Sciences, Vol. 24, No.	Ì
Ì		Control of Bleeding of	11, 845-848	
		Experimental Gastric		
		Ulcers		
(5)	D VC et	The effect of	CRC Press, American	2/82
(7)	Barry MS et	radiofrequency-generated		
	al.	thermal energy on the	117, 332-341	
		mechanical and		
		histologic characteristic		
		of the arterial wall in		
		vivo: Implications for		
		radiofrequency		
		angioplasty		
(0)	Swain et al.	Which Electrode? A	Gut, 25, 1424-1431	1984
(8)	Swain et al.	comparison of four		
į		endoscopic methods of		
		electrocoagulation in		
		experimental bleeding	-	
1		ulcers		
(0)	Robert G.	Letter from Department		4/15/85
(9)	Britain	of Health and Human		
	Dillain	Services to Jerry L.		
		Malis		
(10) Slager et al.	Vaporization of	JACC Vol. 5, No. 6,	6/85
100	Jagor Crai.	Atherosclerotic Plaques	1382-6	
		by Spark Erosion		7/05/05
(11) Jerry L. Mali			7/25/85
1,,,	/	Malis to Food and Drug		
		Administration		1000
(12	2) Ramsay et al		ur Urological Research	1985
1112	, 1001100, 0100	and Monopolar	13:99-102	1
		Diathermy Probes in		
		Experimental Animals		1005
(1:	3) Leonard I.	Instrumentation for	Cerebrovascular	1985
1,,,	Malis, M.D.	Microvascular	Surgery, Vol 1, 245-	
1		Neurosurgery	260.	

1	Author	Article Title	Source & Page Nos.	Date
14)	Leonard I.	Acoustic Neuroma		1987
`	Malis, M.D.	Surgery		
(15)	Slager et al.	Spark Erosion of	Kardiologie,	1987
(10)		Arteriosclerotic Plaques	Kardiol.76: Supp. 6,	
		_	67-71 (1987)	
(16)	Valleylab,	Surgistat Service Manual	Valleylab Part Number	7/88
(10)	Inc.	3- B	945 100 102 A	
(17)	Leonard I.	New Trends in	Advanced Technology	1988
(17)	Malis, M.D.	Microsurgery and	in Neurosurgery, 1-16.	
1	1414113, 141.20	Applied Technology	3 71	
(18)	Nardella	Radio Frequency Energy	SPIE Vol. 1068	1989
(10)	Mardella	and Impedance Feedback	Catheter-based Sensing	
1		mid impodution 1 to 1 to 1	and Imaging	
			Technology	
(10)	Tucker et al.	A Bipolar Electrosurgical	The Organizing	1989
(19)	i uckei et ai.	Turp Loop	Committee of the 7th	
		tanh rooh	World Congress on	
			Endourology and	
			ESWL Foundation for	
			Advancement of	<u> </u>
			International Science	
(20)	T. 1	A Companison of	Journal of Urology	3/89
(20)	Tucker et al.	A Comparison of	Vol. 141, 662-665	3/07
		Urologic Application of	Vol. 141, 002-003	
		Bipolar Versus		
		Monopolar Five French		
		Electrosurgical Probes	110011 1 12 No. 5	4/89
(21)	Lee et al.	Thermal Compression	JACC Vol. 13 No. 5,	4/09
		and Molding of	1167-75	1
		Atherosclerotic Vascular		1
	1	Tissue With Use of		
		Radiofrequency Energy:		
		Implications for		
		Radiofrequency Balloon		1
		Angioplasty		1000
(22)	Tucker et al.	In vivo effect of 5 French	Urological Research	1990
		bipolar and monopolar	18, 291-294	
		electrosurgical probes on		
		the porcine bladder		0/00
(23)	Kramolowsky	Use of 5F Bipolar	Journal of Urology	2/90
	et al.	Electrosurgical Probe in	Vol. 143, 275-277	
		Endoscopic Urological		
		Procedures		
(24)	Kramolowsky	The Urological	Journal of Urology	9/91
	et al.	Application of	Vol. 146, 669	
,	i Ci ai.			-

	Author	Article Title	Source & Page Nos.	Date
25)	Douglas O.	Bipolar Laparoscopic	Bipolar Laparoscopic	10/7/91
23)	Olsen, M.D.	Cholecystectomy	Cholecystectomy	
1	Olscii, M.D.		Lecture & Videotape	
(26)	Carl A.	Letter from Department		4/22/91
(20)	Larson	of Health and Human		
•	Laison	Services to Jerry L.	,	
		Malis		
(27)	Codman &	The Malis Bipolar		7/91
(27)	Shurtleff, Inc.	Electrosurgical System		
	Siluttien, nic.	CMC - III Instruction		
		Manual		
(20)		Valley Forge's new	CLINICA, 475, 5	11/6/91
(28)		products		
(29)	Valley Forge	Summary of Safety and		At least as
(27)	Scientific	Effective Information		early as
	Corp.	from 510K		1991.
(30)	Codman &	The Malis Bipolar		At least as
(30)	Shurtleff, Inc.	Coagulating and Bipolar		early as
	Silurcion, Mo.	Cutting System CMC-II		1991
	Ì	brochure		
(31)	Leonard I.	The Value of Irrigation	See ARTC 21602	At least as
(31)	Malis, M.D.	During Bipolar		early as
	1,122,0,1,2,0	Coagulation		4/9/93
(32)	ArthroCare	ArthroCare Sept. 93	/	9/24/93
(52)		Investor Video		
(33)	Leonard I.	New Trends in	See ARTC 21596-	At least as
(33)	Malis, M.D.	Microsurgery and	21600	early as
	, , , , , , , , , , , , , , , , , , , ,	Applied Technology		4/9/93
(34)	Leonard I.	Excerpted from a		1995
	Malis, M.D.	seminar by Leonard I.		
		Malis, M.D. at the 1995		1
		American Association of		
		Neurological Surgeons		
		Meeting	1	11/06
(35) Leonard I.	Electrosurgery,	J. Neursurg., Vol. 85,	11/96
1	Malis, M.D.	Technical Note	970-975.	12/01
(36		Bipolar Versus	Dentistry Today, Vol.	12/01
	Shuman,	Monopolar	20, No. 12	
	DDS, FAGD			
		Applications	<u>.</u>	

II. REFERENCES LISTED ON THE PATENTS-IN-SUIT

A. PATENTS

	Country	Patent No.	Date	Name of Patentee
(1)	US	2,050,904	08/11/36	Trice
(2)	US	4,033,351	07/05/77	Hetzel
(3)	US	4,040,426	08/09/77	Morrison, Jr.
(4)	US	4,043,342	08/23/77	Morrison, Jr
(5)	US	4,202,337	05/13/80	Hren et al.
(6)	US	4,228,800	10/21/80	Degler, Jr. et al.
(7)	US	4,240,441	12/23/81	Khalil
(8)	US	4,476,862	10/16/84	Pao
(9)	US	4,532,924	08/06/85	Auth et al.
(10)	US	4,567,890	02/04/86	Ohta et al.
(11)	US	4,593,691	06/10/86	Lindstrom et al.
(12)	US	4,658,817	04/21/87	Hardy
(13)	US	4,682,596	07/28/87	Bales et al.
(14)	US	4,706,667	11/17/87	Roos
(15)	US	4,709,698	12/16/87	Johnston et al.
(16)	US	4,727,874	03/01/88	Bowers et al.
(17)	US	4,736,743	04/12/88	Daikuzono
(18)	US	4,737,678	04/12/88	Hasegawa
(19)	US	4,762,128	08/09/88	Rosenbluth
(20)	US	4,765,331	08/23/88	Petruzzi et al.
(21)	US	4,785,806	11/22/88	Deckelbaum
(22)	US	4,813,429	03/27/89	Eshel et al.
(23)	US	4,860,752	08/29/89	Turner
(24)	US	4,936,301	06/26/90	Rexroth et al.
(25)	US	4,943,290	07/24/90	Rexroth et al.
(26)	US	4,955,377	09/11/90	Lennox et al.
(27)	US	4,967,765	11/06/90	Turner et al.
(28)	US	4,968,314	11/06/90	Michaels
(29)	US	4,998,933	03/12/91	Eggers et al.
(30)	US	5,007,437	04/16/91	Sterzer
(31)	US	5,037,421	08/06/91	Boutacoff et al.
(32)	US	5,057,105	10/15/91	Malone et al.
(33)	US	5,057,106	10/15/91	Kasevich et al.
(34)	US	5,061,266	10/29/91	Hakky
(35)	US	5,078,717	01/07/92	Parins et al.
(36)	US	5,083,565	01/28/92	Parins
(37)	US	5,102,410	04/07/92	Dressel
(38)	US	5,125,928	06/30/92	Parins et al.
(39)	US	5,147,354	09/15/92	Boutacoff et al.

US US US US US US US	5,151,098 5,176,528 5,178,620	09/29/92 01/05/93	Loertscher
US US US	5,176,528	01/05/93	
US US		01,03.30	Fry et al.
US	1 3.1 / 0.020	01/12/93	Eggers et al.
	5,190,517	03/02/93	Zieve et al
	5,192,280	03/09/93	Parins
US	5,195,959	03/23/93	Smith
US	5,217,455	06/08/93	Tan
		06/08/93	Delahuerga et al.
		10/05/93	Turner et al.
		11/16/93	Alfano et al.
		12/07/93	Gentelia et al.
		12/07/93	Farin et al.
		12/28/93	Fox et al.
		01/11/94	Stern
		01/25/94	Klicek
		01/25/94	Imran
		02/01/94	Chess
		03/01/94	Tan
		03/01/94	Casscells
		04/05/94	Hunsberger et al.
		04/05/94	Rudie
		04/12/94	Wong et al.
		04/19/94	Green
			Tan et al.
			Bales et al.
			Arias et al.
			Malis et al.
			Costello et al.
			Phillips
			Rudie et al.
			Hagen
			Neilson et al.
			Phillips
			Wuchinich
		08/09/94	Buys et al.
			Ryan et al.
			Nardella
	5,366,443	11/22/94	Eggers et al.
		12/06/94	Keller
		12/04/94	
		12/06/94	
		01/24/95	
		01/95	Desai et al.
	US U	US 5,249,585 US 5,261,410 US 5,267,994 US 5,267,997 US 5,273,524 US 5,277,201 US 5,281,216 US 5,281,218 US 5,282,797 US 5,290,273 US 5,290,273 US 5,300,069 US 5,300,069 US 5,301,687 US 5,304,170 US 5,312,395 US 5,312,400 US 5,312,400 US 5,312,400 US 5,314,406 US 5,314,406 US 5,314,406 US 5,314,406 US 5,324,254 US 5,322,507 US 5,324,254 US 5,330,518 US 5,334,140 US 5,334,183 US 5,334,183 US 5,334,183 US 5,334,183 US 5,336,217 US 5,336,220 US 5,342,357 US 5,366,443 US 5,370,642 US 5,380,277 US 5,380,277 US 5,380,277	US 5,249,585 10/05/93 US 5,261,410 11/16/93 US 5,267,994 12/07/93 US 5,267,997 12/07/93 US 5,273,524 12/28/93 US 5,277,201 01/11/94 US 5,281,216 01/25/94 US 5,281,218 01/25/94 US 5,282,797 02/01/94 US 5,282,797 02/01/94 US 5,290,273 03/01/94 US 5,290,282 03/01/94 US 5,300,069 04/05/94 US 5,300,069 04/05/94 US 5,301,687 04/12/94 US 5,304,170 04/19/94 US 5,312,395 05/17/94 US 5,312,400 05/17/94 US 5,314,406 05/24/94 US 5,334,180 06/07/94 US 5,334,254 06/28/94 US 5,334,183 08/02/94 US 5,334,183 08/02/94 US 5,336,217 08/09/94 US 5,336,217 12/06/94 US 5,380,316 01/10/95

	Country	Patent No.	Date	Name of Patentee
(86)	US	5,389,096	02/14/95	Aita et al.
(87)	US	5,395,312	03/07/95	Desai
(88)	US	5,417,687	05/23/95	Nardella et al.
(89)	US	5,419,767	05/30/95	Eggers et al.
(90)	US	5,423,803	06/13/95	Tankovich et al.
(91)	US	5,441,499	08/15/95	Fritzsch
(92)	US	5,445,634	08/29/95	Keller
(93)	US	5,496,312	03/05/96	Klicek
(94)	US	5,514,130	05/07/96	Baker
(95)	US	5,556,397	09/17/96	Long et al.
(96)	US	5,569,242	10/29/96	Lax et al.
(97)	US	5,584,872	12/17/96	LaFontaine et al.
(98)	US	5,609,151	03/11/97	Mulier et al.
(99)	US	5,647,869	07/15/97	Goble et al.
(100)	US	5,676,693	10/14/97	LaFontaine
(101)	US	5,681,282	10/28/97	Eggers et al.
(102)	US	5,683,366	11/04/97	Eggers et al.
(103)	US	5,697,281	12/16/97	Eggers et al.
(104)	US	5,697,536	12/16/97	Eggers et al.
(105)	US	5,697,882	12/16/97	Eggers et al.
(106)	US	5,697,909	12/16/97	Eggers et al.
(107)	US	5,700,262	12/23/97	Acosta et al.
(108)	US	5,725,524	03/10/98	Mulier et al.
(109)	US	5,749,869	05/12/98	Lindenmeier et al.
(110)	US	5,766,153	06/16/98	Eggers et al.
(111)	US	5,807,395	09/15/98	Mulier et al.
(112)		5,810,764	09/22/98	Eggers et al.
(113)		5,860,974	01/19/99	Abele
(114)		5,871,524	02/16/99	Knowlton
(115)		5,885,277	03/23/99	Korth
(116)		5,891,095	04/06/99	Eggers et al.
(117)		5,897,553	04/27/99	Mulier et al.
(118)		5,902,272	05/11/99	Eggers et al.
(119)		5,944,715	08/31/99	Goble et al.
(120)		6,004,319	12/21/99	Goble et al.
(121)		6,013,076	1/11/00	Goble et al.
(122)		6,015,406	1/18/00	Goble et al.
(123)		6,027,501	2/22/00	Goble et al.
(124)		6,039,734	3/21/00	Goble
(125)		6,056,746	5/2/00	Goble et al.
(126)		515 867	12/2/92	Valluvan
(127)		0 597 463	5/18/94	Tierney et al.
(128)		0 703 461 A2	3/27/96	Yates
(129)		0 740 926	11/6/96	Wurzer et al.

	Country	Patent No.	Date	Name of Patentee
(130)	EP	0 740 926 A2	11/6/96	Wurzer et al.
(130)	EP	0 754 437	1/22/97	Goble et al.
(131) (132)	GB	2327350	1/99	Goble et al.
$\frac{(132)}{(133)}$	GB	2327351	1/99	Goble et al.
$\frac{(133)}{(134)}$	GB	2327352	1/99	Goble et al.
(134)	JP	57-57802	4/82	Inoue Kiyoshi
	JP	57-117843	7/82	Nakano Yukiyoshi, Matsuura
(136)) Jr	3, 11, 5, 5		Masaaki
(137)	WO	90/07303	7/12/90	Janssen
(138)		90/09303	7/90	Dare-Bryan et al.
(139)	wo	91/13650	9/19/91	Cathaud
(140)		92/21278	12/10/92	Edwards et al.
(141)		93/13816	7/22/93	Eggers et al.
(142)		93/20747	10/28/93	Rosar et al.
(143)		94/04220	3/3/94	Edwards et al.
(144)		94/08654	4/28/94	Beuchat et al.
(145)		94/14383	7/4/94	Rudko
(146		94/14386	7/4/94	Day
(147		94/26228	11/24/94	Eggers et al.
(148		95/34259	12/21/95	Desai
(149		96/00042	1/4/96	Edwards et al.
(150		97/00646	1/9/97	Goble et al.
(151		97/647	1/9/97	Goble et al.
(152		97/24073	7/97	Goble et al.
(152		97/24993	7/17/97	Goble et al.
(154		97/24994	7/17/97	Goble et al.
(15:	7	97/48346	12/97	Goble et al.
(15)		97/48345	12/97	Goble et al.
(15)	7	98/27879	7/98	Odell et al.
(15		98/27880	7/2/98	Goble
(15		99/51155	10/14/99	Goddard et al.
(16		99/51158	10/14/99	Goddard et al.

B. PUBLICATIONS

		bettle Title	Source & Page Nos.	Date
(1)	Rand et al.		Journal of Arthroscopic Surgery	1985
(2)	Pearce	Atticular Carriage	Electrosurgery, pp. 17, 69-75, 87	1986
(3)	Buechelt et al.	Excimer laser ablation of fibrocartilage: an in vitro and in vivo study	Lasers in Surgery and Medicine 11:271-279	1991

	Author	Article Title	Source & Page Nos.	Date
(4)	Costello	Nd: YAG lasser ablation of the prostate as a treatment for benign prostatic hypertrophy	Lasers in Surgery and Medicine 12:121-124	1992

III. Public Domain Books

B. PUBLICATIONS

	Author	Title	Date	Page Nos.
(1)	John A. Pierce	Electrosurgery	1986	1-251.

IV. Individuals

(1) Eberhard Roos

Address:

Ing. VDI Eberhard Roos

Semmelweisstr. 1 D 78532 Tuttlingen

GERMANY

Declaration:

Declaration of Eberhard Roos 2/11/2003.

(2) Dr. Kim H. Manwaring

Address:

Phoenix Children's Hospital

1919 E Thomas Road

Phoenix, Arizona 85016-7710

(3) Dr. Kenneth Taylor,

Address:

375 Golden Eagle Drive

Broomfield, CO 80020

(4) Dr. Michael Choti,

Address:

600 North Wolfe Street, Halsted 614

Baltimore, Maryland 21287-5614

(5) Jerry L. Malis

Address:

136 Green Tree Road

Oaks, PA 19456

(6) Dr. David Present

Address:

Unknown

(7) Ginger More

Address:

Unknown

(8) Leonard I. Malis, M.D.

Address:

Street Address Unknown

New York City, NY

Dated: March 28, 2003

FISH & RICHARDSON P.C.

By:

William J. Marsden, Jr (#2247)

Keith A. Walter, Jr. (#4)57)

Eugene B. Joswick (#4271) 919 N. Market Street, Suite 1100

P.O. Box 1114

Wilmington, DE 19899-1114

Telephone: (302) 652-5070

Facsimile: (302) 652-0607

Mark J. Hebert

Thomas M. Johnston

225 Franklin Street

Boston, MA 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Kurtis D. MacFerrin

500 Arguello Street, Suite 500

Redwood City, California 94063.

Telephone: (650) 839-5070

Facsimile: (650) 839-5071

Attorneys for Defendant SMITH & NEPHEW, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March, 2003, a true and correct copy of the SMITH & NEPHEW'S NOTICE PURSUANT TO 35. U.S.C. § 282 was caused to be served on the attorneys of record at the following addresses as indicated:

BY HAND DELIVERY
Jack B. Blumenfeld, Esq.
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

Attorney for Plaintiff Arthrocare Corporation

BY FACSIMILE AND FEDERAL EXPRESS Matthew D. Powers, Esq. Jared Bobrow Perry Clark, Esquire Weil, Gotshal & Manges LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065 Attorneys for Plaintiffs Arthrocare

BY HAND DELIVERY
Steven J. Balick, Esq.
Ashby & Geddes
222 Delaware Avenue, 17th Floor
P. O. Box 1150
Wilmington, DE 19899

Attorney for Plaintiff/Counterclaim Defendant Ethicon, Inc.

William J(Marsden)

20570296.2.doc

1